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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 012300

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TAGS: [PHUM](#) [PINR](#) [PGOV](#) [KCRM](#) [ID](#)
SUBJECT: CONVICTION IN MUNIR MURDER OVERTURNED

REF: A. JAKARTA 4557

[1](#)B. 05 JAKARTA 16710
[1](#)C. 05 JAKARTA 15680

Classified By: CDA John Heffern, reasons 1.4 (B) AND (D)

[1](#)1. (C) Summary. On October 4, the Indonesian Supreme Court overturned the murder conviction of Pollycarpus Budihari Priyanto, acquitting him in the September 2004 poisoning of prominent Indonesian human rights activist Munir Thalib. The case is widely considered a litmus test of the Indonesian government's resolve to uphold justice in politically-motivated murders. Human rights activists lambasted the decision, calling for the President to take concrete action to find the culprits. The Police Chief and the Attorney General responded to criticism October 5 with pledges to reinvigorate the investigation. The case is politically charged and NGOs speculate, with good reason, that former intelligence officers were involved in the murder, drawing their suspicions in part from the results of a Presidential Fact-Finding Team (refs B and C). A member of that team told us after the decision that the government is afraid to delve further into the case because of where it might lead. Munir's widow, Suciwati, is traveling to the U.S. on October 13 and will be seeking meetings on Capitol Hill and in the Department. We recommend that EAP A/S Hill press for concrete steps to pursue the investigation during his October 6 meetings with Presidential advisers Silalahi and Djalal. End Summary

Supreme Court Divided on Decision

[1](#)2. (U) On October 4, the Indonesian Supreme Court overturned the conviction of Polycarpus Budihari Priyanto (refs A and B) for the murder of Indonesian human rights activist Munir Thalib. The three-member panel voted two to one that Pollycarpus was not guilty, shortening his 14-year jail term to two years after finding him guilty of falsifying the documents that allowed him to board the flight where Munir's drink was laced with arsenic. Judges cited insufficient evidence to prove he was involved in the murder; Pollycarpus could be set free by next March. According to the media, the dissenting judge said he agreed with the murder conviction, citing Pollycarpus, frequent phone contacts with Munir before the murder. Supreme Court Chief Justice Bagir Manan said he was unaware of the verdict and declined public comment.

Fact-Finding Team Evidence Ignored

[1](#)3. (C) NGOs suspect that Munir had made powerful enemies during his years of human rights work. Usman Hamid, Coordinator of the human rights organization Kontras, and a member of the presidential Fact-Finding Team appointed in December 2004 to look further into the murder, told PolOff

October 5 that it is very clear that (the police and prosecutors) are obstructing justice and that the President does not want to go after them.⁸ Another member of the fact-finding team, Asmara Nababan, executive director for the Institute of the Study of Democracy and Human Rights, told the media, &The (fact-finding) report showed that there was evidence to show Munir,s death was a conspiratorial crime, and it also contained the names of several Garuda executives as well as BIN (National Intelligence Agency) officials who need to be further investigated.⁸ Hamid alleged the police and prosecutors purposely rushed to trial against Pollycarpus so that there would be insufficient evidence, and that the court ignored key witnesses. Evidence from the Fact-Finding Team report, such as mobile phone records from Pollycarpus, phone traced to then BIN Deputy Director Muchdi Purwoprajoyo, before and after the murder, were never entered into evidence, Hamid said. The Supreme Court also did not consider the Fact-Finding Team,s report, Hamid said, leading to suspicion of government insincerity in solving the case. He said the only way the case could be reopened would be if the Attorney General found new evidence as a justification to review the verdict. Hamid added that he is most disappointed with the President for not taking stronger action to reopen the investigation, and for not making the fact-finding report public.

Widow, Media, NGOs Call for Justice

¶4. (U) Munir,s widow, Suciwati, told the media October 4 that the President &said the Munir case was a test case for the nation, but it looks like he was saying it half-heartedly.⁸ The media ran skeptical editorials after the verdict. The conservative Islamic daily &Republica⁸ commented that &we have been closing our eyes to injustices all along.⁸ Indonesia,s leading daily &Kompas⁸ noted

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that &there is an impression that people who die because of state violence, can never actually be brought to justice.⁸ Suciwati will travel with Usman Hamid on October 13 to the U.S. to attend a Human Rights First dinner honoring Munir and Suciwati, to be held the evening of October 16 in New York City, Hamid confirmed. Hamid said they would like to meet with U.S. officials, both on Capitol Hill and in the Department.

Officials Vow to Pursue Munir's Murderers

¶5. (SBU) President Yudhoyono recently promised publicly to Munir,s widow to find those responsible. A presidential spokesman October 5 responded to a question about why the fact-finding report had not been released by saying it was not necessary since &everyone already knows (the findings),⁸ according to newspapers. Following the Supreme Court reversal, National Police Chief General Sutanto said police would continue their probe with a newly-formed team. The Attorney General said he would ask for a review of the Supreme Court decision. Members of Parliament also called on police to press with the investigation. Speaker of the House Agung Laksono said the police had not adequately gathered evidence against Pollycarpus, the media reported.

¶6. (C) Comment: This case is widely considered to be a test for the Indonesian justice system and of President Yudhoyono,s willingness to enforce the rule of law. We therefore recommend that A/S Hill raise the case with Presidential Advisers Silalahi and Djalal during their October 6 meeting. Pursuing senior intelligence officials from the previous government would send a major political signal about the limits of impunity. We will continue to join Munir,s widow and civic society groups (ref A) in pressuring the government to seriously pursue this case.
HEFFERN